



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Jack R. Wilson, III
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. J. Michael Janosik, Zoning Administrator,
Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Vanessa N. Kent, Secretary, Administration
Branch, Planning Department
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

ANNUAL MEETING: Planning Commission to meet in Room 502 of the Chesterfield County Administration Building.

- A. Election of Officers for 2005:**
 - Chairman
 - Vice Chairman
- B. Adoption of Planning Commission Meeting Dates for 2005 and January 2006.**

REGULARLY SCHEDULED MEETING: Planning Commission to meet in Room 502 of the Chesterfield County Administration Building.

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. Plans and Information Section Projects Update.**
- D. Work Program – Review and Update.**

ANNUAL MEETING: PLANNING COMMISSION TO MEET IN ROOM 502 OF THE CHESTERFIELD COUNTY ADMINISTRATION BUILDING.

A. ELECTION OF OFFICERS FOR 2005:

• **CHAIRMAN**

Mr. Gecker stated the first order of business would be the election of officers for the positions of Chairman and Vice Chairman to the Planning Commission for 2005.

Mr. Wilson nominated Mr. Sherman W. Litton as Chairman of the Planning Commission.

Mr. Bass seconded the nomination.

There were no other nominations; therefore, it was on motion of Mr. Gulley, seconded by Mr. Wilson, that the Commission resolved to close the nominations for the office of Chairman of the Planning Commission.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to elect Mr. Sherman W. Litton to serve as Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

At this time, Mr. Litton assumed the Chairmanship.

• **VICE CHAIRMAN**

The floor was opened for nominations for the office of Vice Chairman to the Planning Commission for 2005.

Mr. Gecker nominated Mr. Jack R. Wilson, III as Vice Chairman to the Planning Commission.

Mr. Gulley seconded the nomination.

There were no other nominations; therefore, it was on motion of Mr. Gulley, seconded by Mr. Gecker that the Commission resolved to close the nominations for the office of Vice Chairman of the Planning Commission.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to elect Mr. Jack R. Wilson, III, to serve as Vice Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

At this time, Mr. Wilson assumed the Vice Chairmanship.

B. ADOPTION OF PLANNING COMMISSION MEETING DATES FOR 2005 AND JANUARY 2006.

Mr. Gulley suggested the Commission consider approval of December 15, 2005, for the Commission's December 2005 regularly scheduled meeting date.

It was the consensus of the Commission to change the December 2005 meeting date from December 20, 2005, to December 15, 2005, and it was on motion of Mr. Wilson, seconded by Mr. Bass, that the Commission adopted the following meeting dates for the year 2005 and January 2006:

February 15, 2005 **February 17, 2005 Special Meeting	August 16, 2005 **August 18, 2005
March 15, 2005 **March 17, 2005	September 20, 2005 **September 22, 2005
April 19, 2005 **April 21, 2005	October 18, 2005 **October 20, 2005
May 17, 2005 **May 19, 2005	November 15, 2005 **November 17, 2005
June 21, 2005 **June 23, 2005	Thursday, December 15, 2005
July 19, 2005 **July 21, 2005	January 17, 2006 (Annual Meeting) **January 19, 2006

**** Dates for 2nd monthly meeting**, if backlog exists.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

REGULARLY SCHEDULED MEETING: PLANNING COMMISSION TO MEET IN ROOM 502 OF THE CHESTERFIELD COUNTY ADMINISTRATION BUILDING.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Staff requested two (2) new items, Schedule Special Planning Commission Meeting in February 2005 and Discussion of the proposed Ordinance Amendment relative to Home Occupations, be added to the agenda.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission amended the agenda to add two (2) new items, Item B., Schedule Special Planning Commission Meeting in February 2005, and Item F, Discussion of the proposed Ordinance Amendment relative to Home Occupations, to the agenda and reordered the agenda accordingly.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

B. SCHEDULE SPECIAL PLANNING COMMISSION MEETING IN FEBRUARY 2005.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission scheduled, and requested staff advertise, February 17, 2005, at 7:00 p. m., for a special public hearing to consider rezoning and conditional use requests.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. REVIEW DAY'S AGENDA.

Ms. Peterson presented an overview of, and staff's recommendation for, Case 05PS0144, Riverstone Properties, LLC (Centerpointe), to be considered at the 3:00 p. m. Afternoon Session.

Messrs. Allen and Hainley presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of the Commission's pending caseloads for the upcoming months and presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Mr. Larson updated the Commission as to the status of pending citizens' meetings relative to the Chester Village and Northern Area Plans.

E. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was on motion of Mr. Wilson, seconded by Mr. Gecker that the Commission resolved to add Sidewalk Policy Revisions to their Work Program and adopted their February 2005 Work Program, as amended.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

F. DISCUSSION OF THE PROPOSED ORDINANCE AMENDMENT RELATIVE TO HOME OCCUPATIONS.

Upon conclusion of discussion of the proposed Ordinance Amendment relative to home occupations, the consensus of the Commission was to defer consideration of the proposed Amendment to the February 15, 2005, Planning Commission work session, at which time staff could update the Commission as to the status of the proposal and a determination could be made as to how to proceed.

G. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the Commission adjourned the Work Session at approximately 1:38 p. m., agreeing to reconvene at 3:00 p. m. in the Public Meeting Room for the Afternoon Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

3:00 P. M. AFTERNOON SESSION

Mr. Litton, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner noted the December 13, 2004 minutes were incomplete at this time and requested the Commission defer consideration to the February 15, 2005, meeting.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer the December 13, 2004, Planning Commission minutes to the February 15, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ DEFERRAL REQUEST BY APPLICANT.

05PS0144: (Amended) In Matoaca Magisterial District, **RIVERSTONE PROPERTIES, LLC** requested deferral to February 15, 2005, of consideration for schematic plan approval. This project is commonly known as **CENTERPOINTE**. This request lies in Residential (R-7), Corporate Office (O-2) and Community Business (C-3) Districts on a 748.3 acre parcel fronting in two (2) places for a total of approximately 4,400 feet on the north line of Powhite Parkway and along the east and west lines of Route 288. Tax IDs 724-693-6630; 724-694-5390; 726-694-Part of 0343 and 8763; 726-695-Part of 0706, 3178 and 7906; 726-697-4349; 727-698-7803; 728-695-2429 and 8731; 728-697-2424; 729-696-0058; 731-696-2505; 732-694-0332; and 733-695-1700 (Sheets 5, 9 and 10).

Mr. Andrew Gibb, the applicant's representative, requested deferral of Case 05PS0144 to the February 15, 2005, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to defer Case 05PS0144, Riverstone Properties LLC (Centerpointe), to the February 15, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

04PR0222: In Midlothian Magisterial District, **B. K. KATHERMAN** requested Planning Commission approval of architecture, as required by Condition 26 of Case 88SN0202. This project is commonly known as **KATHERMAN - BELGRADE**. This request lies in a Corporate Office (O-2) District on a 0.84 acre parcel fronting approximately eighty-seven (87) feet on the east line of Polo Place, approximately 240 feet from the intersection of Polo Place and Polo Place Parkway. Tax ID 742-716-2113 (Sheet 2).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of building architecture for Case 04PR0222, B. K. Katherman (Katherman-Belgrade), shall be and it thereby was granted, subject to the following condition:

CONDITION:

Minor revisions to the elevations may be permitted, provided that revisions do not lessen the quality and detail of these elevations, and the overall Belgrade architectural theme is maintained. Any revisions must be submitted to the Planning Department for review and approval prior to issuance of the building permit.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05PR0199: In Midlothian Magisterial District, **CARLA GRAY NELMS** requested Planning Commission approval of architecture, as required by zoning Case 83S141. This project is commonly known as **NELMS OFFICE BUILDING**. This request lies in a Corporate Office (O-2) District on a 0.9 acre parcel fronting approximately 217 feet on the south line of Village Mill Drive approximately 1,300 feet south of Midlothian Turnpike. Tax ID 727-707-2672 (Sheet 5).

Ms. Carla Gray Nelms, the applicant, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, voiced support for the request and expressed appreciation for Ms. Nelms' willingness to consider the area residents' concerns

and for her cooperation in the community's efforts to protect the architectural style and quality of buildings in the area.

There being no one else to speak, Mr. Litton closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of architecture, as required by Condition 3 of zoning Case 83S141, for Case 05PR0199, Carla Gray Nelms (Nelms Office Building), shall be and it thereby was granted, subject to the following conditions, as outlined in the Addendum:

CONDITIONS

1. Architecture shall be substantially as shown on elevations received January 18, 2005.
2. Roof material shall be one (1) of the following:
 - a. Dimensional architectural asphalt shingle such as Certainteed Grand Manor or Carriage House, GAF Country Estate or Grand Canyon, Timberline Ultra, Elk Prestique Plus.
 - b. Cedar shake or imitation cedar shake.
 - c. Slate or imitation slate.
3. Brick color shall be General Shale/Salem Creek Tudor or comparable as approved by the Planning Department and the Village of Midlothian Volunteer Coalition.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05PW0223: In Midlothian Magisterial District, **W. S. CARNES** requested Planning Commission approval of a development standards waiver to perimeter landscaping requirements. This project is commonly known as **CARNES - PEOPLES BANK**. This request lies in a Light Industrial (I-1) District on two (2) parcels fronting approximately 160 feet on the north line of Midlothian Turnpike, also fronting approximately 270 feet on the east line of North Otterdale Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 721-709-6885 and Part of 8482 (Sheet 5).

Mr. W. S. Carnes, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission found Case 05PW0223, W. S. Carnes, Inc. (Carnes-Peoples Bank), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to the evergreen tree and shrub requirements of Section 19-518(g)(4) of the Zoning Ordinance.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

05TS0177: In Bermuda Magisterial District, **MARLBORO FARM LTD** requested approval of a tentative plat with 181 lots. This development is commonly known as **MOUNT BLANCO ON THE JAMES**. This request lies in a Residential (R-15) District on a 140.8 acre parcel fronting approximately 2,810 feet on the eastern line of Enon Church Road. Tax ID 827-658-0093 (Sheets 27 and 28).

Mr. Hainley presented an overview of the request and staff's recommendation.

No one came forward to represent the request.

Mr. Hainley noted staff had been in contact with the applicant and he was enroute to the meeting.

Mr. Litton stated, although the applicant had not yet arrived, there was opposition present so the Commission would proceed and he opened the discussion for public comment.

Mr. Joseph E. Monroe, a resident of Mount Blanco Drive and Ms. Helen Moulter, an area resident, voiced opposition to the request; cited concerns relative to increased and/or cut-through traffic that would be generated through their neighborhood if the proposal were approved; and asked the Commission to consider alternative connections to the development from N. Enon Church Road, not Mount Blanco Road.

Upon arrival, Mr. Walter Altman, the applicant, presented an overview of the proposed development, citing conformity to density, Zoning and Subdivision Ordinance and Residential Connectivity Policy requirements.

There being no one else to speak, Mr. Litton closed the public comment.

In response to questions from Mr. Wilson, Mr. Hainley indicated at least two (2) previously approved tentatives had reflected the proposed connection to Mount Blanco Road, noting the proposal also complied with the Residential Connectivity Policy requirements.

Mr. Wilson stated he was aware of, and efforts would continue to resolve, area residents' transportation and road network concerns; however, the connection was necessary to accommodate emergency access and he felt approval was appropriate.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved that tentative subdivision approval for Case 05TS0177, Marlboro Farms LTD (Mount Blanco on the James), shall be and it thereby was granted, subject to the following conditions and review notes:

CONDITIONS AND REVIEW NOTES

CONDITIONS

1. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of

applicable correspondence from the USACOE so that it may be determined that all wetland permits have been received. (EE)

2. To the maximum extent advisable, those portions of the project which are within the Johnson Creek watershed, shall through manmade engineering design and construction be removed from that watershed and discharged through onsite SWM/BMPs which discharge into the James River. (EE)
3. To provide for adequate drainage and protection of home sites, the following shall be accomplished:
 - a. Design centerlines of road profiles shall be a minimum One (1) foot below existing grade and/or the drainage design shall provide each lot with a minimum one (1%) percent gradient from the lowest and/or most remote point within the lot to an adequate receiving outfall as determined by the Environmental Engineering Department.
 - b. Crawlspace elevations shall be constructed a minimum of two (2) feet above original ground unless a qualified professional determines that adequate drainage can be obtained by other methods. Lots required to have elevated crawlspaces shall be shown on the construction plans and so noted on final check and record plats.
 - c. Unless otherwise approved by the Environmental Engineering Department, all lots will function independently in the provision of a surface drainage design for the lots.
 - d. As applicable, the minimum floor elevation for all lots will be designated at one (1) foot above the controlling road sag. (EE)
4. If applicable, a dam failure analysis shall be performed based on an over-topping breach of the dam embankment during a 100-year storm event. (EE)
5. Building envelopes as shown on the tentative plan along with any other directed by the Environmental Engineering Department shall be placed on the construction plans and subdivision plat. (EE)
6. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one (1) year after the streets are taken into the State system. (EE)
7. Prior to recordation, notification by VDOT that improvements to the State road(s) into which this project intersects, have been satisfactorily completed, must be received by the Environmental Engineering Department. (EE)
8. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the subdivider or his representative has notified certain

property owners determined by the Department of the proposed adjacent construction. (EE)

9. Prior to the issuance of a building permit on any lot which backs up to the lake a surveyed field verification of the existing ground achieved on each lot will certify that the floodplain in the field coincides with its location as shown on the recorded plat. (EE)
10. The construction plans and record plat will provide building envelopes for those lots which back up to a wetpond which shall ensure no home is built any closer than twenty-five (25) feet from the maximum obtainable water surface elevation of the pond. Crawlspace elevations shall be set at a minimum of one (1) foot above the 100-year water surface elevation of the ponds unless one (1) foot above existing ground results in a higher crawlspace. (EE)
11. The location of storm drainage discharge into the existing easement leading to the James River shall be determined and approved by the Environmental Engineering Department prior to the submission of construction plans. Notification of those property owners backing up to this easement will be as directed by the Environmental Engineering Department. (EE)
12. Unless otherwise directed by the Environmental Engineering Department, construction, demolition and debris presently buried on designated portions of this site shall be removed. (EE)
13. Existing or former areas of construction, demolition and debris dumps shall be shown on the construction plans and record plat. (EE)
14. No building permit will be issued for those lots containing the Gibbons and Heather Sloan driveway until it is removed to the satisfaction of the Environmental Engineering Department. (EE)
15. Each wetpond will be enclosed in an SWM/BMP maintenance easement which will extend a minimum of twenty (20) feet from the normal water surface. The construction plans and record plat shall portray the area of the fifty (50) foot perimeter yard which is measured from the 100-year water surface elevation or the downstream toe of dam, whichever applies. (EE)
16. Additional pavement shall be constructed along north Enon Church Road to provide left and right turn lanes at Declaration Avenue. (T)
17. Thirty five (35) feet of right of way, measured from the centerline of north Enon Church Road, shall be dedicated to and for the benefit of Chesterfield County, free and unrestricted, along the entire property frontage in conjunction with recordation of the first section of this tentative. (T)
18. The ditch on North Enon Church Road shall be relocated along the entire property frontage to provide an eight (8) foot shoulder unless approved otherwise by Transportation. (T)

19. The subdivider of Mount Blanco on the James shall coordinate with the subdivider of Rivers Bend East the extension and connection of the proposed sixteen (16) inch water line along North Enon Church Road and Meadowville Road. The connection of the proposed sixteen (16) inch water lines by the two (2) subdividers shall be made at the intersection of Meadowville Road and North Enon Church Road. (U)
20. A revised tentative plat, to be submitted to staff, should graphically show the following changes:
 - a. show all water/wastewater lines for the entire subdivision that is currently zoned (that is, each page of the tentative plan that shows lot layout). (U)
 - b. show an eight (8) inch water line connection along proposed Lawn Drive to the existing eight (8) inch water line along Mount Blanco Road. (U)
 - c. identify the cross hatched oval occupying a portion of Lot 28 as shown on Sheet C-2. This identified crosshatched oval should also be shown on Sheet C-3 and Sheet C-4. (EE)
 - d. amend the road names as follows; the road name Mariah Terrace should appear as such on Sheet C-4 rather than as shown. The road name Portico Court should appear on Sheet C-2. A road name is needed for the cul-de-sac surrounded by Lots 41 – 49; it should be a Place, Court, Turn or Mews. This would apply to Sheets C-2 – C-4. Also with reference to Sheet C-2 to C-4 a road name for the right of way between Lots 22 and 23, which has Richmond Regional Planning District Commission approval, should be provided. (EE)
 - e. the line depicting the drainage break between the Johnson Creek Watershed and that portion which naturally drains to the James River shall be shown. (EE)
 - f. the RPA should include the 100-foot conservation buffer and should be rounded back into the property line along an alignment which would be 100-feet upstream of the point where perennial flow becomes intermittent flow. (EE)
 - g. the RPA on the downstream side should be extended down to tie into the RPA of the James River. (EE)
 - h. the existence of wetlands must be addressed on the tentative plat. The tentative plat should provided the limits of delineated wetlands or provide a statement from a recognized wetlands expert that there are no wetlands within the project. If regulatory wetlands are found and the subdivider elects to create an upland buffer to minimize mitigation cost, the twenty-five (25) foot setback shall be measured from the outermost limits of this buffer. The wetlands buffer shall be depicted on the final check and record plat. (EE&P)

REVIEW NOTES

- A. A homeowners association per Section 19-559 is required to maintain the common areas. The final check and record plat shall note the responsibilities of the HOA. Documents for the HOA shall be submitted with the final check plat. (P)
- B. Buffers shall comply with Section 17-70. (P)

- C. All temporary street ends shall be barricaded and signed with M4-7 and M4-6 signage indicating the temporary end of the street. (P)
- D. Setbacks around cul-de-sacs shall be uniform. (P)
- E. Compliance with Section 17-76 shall be maintained at all times. This shall include existing residences shown in the future development that shall also maintain the required street frontage. Section 17-35 (b) shall not apply to the existing residences recorded on those interim lots. (P)
- F. Standard conditions. (P)
- G. The Utilities Department understands that the water/sewer lines on that portion of property that has not received zoning is for future water/sewer line continuity purposes only. (U)
- H. It will be the responsibility of the subdivider to make certain that all proposed sections within the development complies with the Chesterfield County Fire Department's required fire flow of 1000 gallons per minute at 20psi residual. (U)
- I. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the subdivider. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- J. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design per 24 VAC 30-90-150 of the 1996 Subdivision Street Requirements (SSR). (VDOT)
- K. The design of any/all proposed landscape embellishments (i.e., landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) To be installed within state maintained rights of way must be submitted to VDOT for review in conjunction with the initial submittal of road construction plans. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- L. All roads shall be designed and constructed per current VDOT standards and specifications. (VDOT)
- M. The construction of all roadways which are not defined as arterials or collectors in Chesterfield County's Thoroughfare Plan requires the implementation of a comprehensive inspection program to ensure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:
 - 1. the applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing; or

2. the applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)
- N. The construction of improvements on Enon Church Road requires the implementation of a comprehensive inspection program to ensure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:
1. the applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing; or
 2. the applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)
- O. A forty-five (45) foot edge of pavement radius turnaround is required at the westernmost cul-de-sac on Mariah Lane per 24 VAC 30-90-240 of the 1996 SSR. A minimum fifty-four (54) foot right of way radius is required to accommodate the enlarged turnaround at this location. (VDOT)
- P. The design and construction of a minimum three (3) lane section (one inbound/two outbound) is required on Declaration Avenue to accommodate safe and efficient vehicular movements at the intersection with Enon Church Road. (VDOT)
- Q. The termini of White Mountain Drive and Declaration Avenue shall be designed as a thirty-five (35) foot edge of pavement radius permanent cul-de-sac (within a minimum fifty (50) foot radius temporary turnaround easement) utilizing VDOT standard curb and gutter as stipulated in 24 VAC 30-90-370 of the 1996 SSR. (VDOT)
- R. A VDOT land use permit for any and all required transportation improvements on Enon Church Road (SR#618) shall be satisfactorily completed prior to recordation of any lots within this subdivision. (VDOT)
- S. In response to the subdivider's stated preference not to have fences or safety/aquatic benches around the pond facilities, the side slope above the normal water surface of each pond must be 6:1 or flatter over a horizontal distance of at least twenty (20) feet. (EE)
- T. An acknowledgment letter from F. Gibbons and Heather M. Sloan shall be provided to the Director of Environmental Engineering that their present address of 12003 Enon Church Road must be changed to an address assigned by the County of Chesterfield which will be on Declaration Avenue. If there are any other parties that this situation affects, please follow suit. (EE)
- U. The deed book and page number of the drainage easement starting in Lot 25 that leads to the James River is still required even though it may not be used as the outfall as originally envisioned. (EE)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their field trip to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Gecker, that the Commission adjourned the Afternoon Session at approximately 3:32 p. m., agreeing to meet at 5:00 p.m. at John Howlett's Tavern for dinner.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the next four (4) months, noting the February 15, 2005, agenda was comprised of thirteen (13) cases; the February 17, 2005, agenda was comprised of twelve (12) cases; the March 15, 2005, agenda was comprised of twelve (12) cases; and the April 19, 2005, agenda was comprised of ten (10) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

Mr. Litton stated, at this time, the Commission wished to present a resolution of recognition to Mr. Dan Gecker for his service as Chairman of the Planning Commission for 2003-2004.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission adopted the following resolution:

WHEREAS, Mr. Daniel A. Gecker, Planning Commissioner representing the Midlothian Magisterial District, served as ***Chairman of the Chesterfield County Planning Commission in 2003 and 2004***; and

WHEREAS, Mr. Gecker, having served two terms as Chairman to the Chesterfield County Planning Commission, has given freely of his time and commitment; and

WHEREAS, Mr. Gecker has been actively involved in the revitalization of eastern Midlothian Turnpike, to include endorsement of public/private partnerships to enhance the corridor; the Matoaca Village Plan and related ordinances, including new design standards for office and commercial development and creation of the R-C Conservation Subdivision Residential District; and the Ettrick Village Plan and related ordinances; and

WHEREAS, Mr. Gecker guided the Commission in the review and recommendation of an updated Public Facilities Plan, which comprehensively addresses existing and future needs for such facilities as schools, fire stations, parks, libraries and fire/rescue stations; and guided the Commission through the evaluation of growth management recommendations of the Board of Supervisors; and

WHEREAS, Mr. Gecker guided the Commission through numerous ordinance and policy amendments, which have clarified and updated development standards to include landscaping; emergency access; Chesapeake Bay; architectural standards in the Courthouse area; businesses from the home; signs for non-profit organizations and problems with hundreds of older lots that were not buildable; and

WHEREAS, during his tenure, ***Mr. Gecker*** provided leadership in the approval of various County projects which address growth pressures, such as construction of one new high school and expansion of athletic and park facilities; championed amendments to the County's Tower Siting Policy; and guided the Commission through the evaluation of a multitude of zoning, site plan and tentative subdivision proposals.

NOW, THEREFORE, BE IT RESOLVED, that the ***CHESTERFIELD COUNTY PLANNING COMMISSION***, on this ***18TH DAY OF JANUARY 2005***, does hereby recognize and applaud the conscientious efforts and commitment to excellence displayed by its 2003-2004 Chairman, ***MR. DANIEL A. GECKER***.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Members of the Commission expressed their appreciation to Mr. Gecker for his guidance and leadership as Chairman of the Commission and recognized/applauded his conscientious efforts and commitment to excellence in his service to the County.

Mr. Gecker expressed his appreciation to the Commission for their support during his tenure and for the opportunity to have served as Chairman.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

05SN0146: In Bermuda Magisterial District, **ROBBINS LANDSCAPING, INC.** requested deferral to March 15, 2005, of consideration for Conditional Use and amendment of zoning district map to permit a contractor's office and storage yard with retail sales in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 4.9 acres fronting approximately 260 feet on the south line of Kingsland Road, approximately 820 feet west of Dorsey Road. Tax ID 788-672-7956 (Sheet 18).

Mr. Dean Hawkins, the applicant's representative, stated his request was for deferral to the February 15, 2005, Planning Commission public hearing; however, after discussion with Mr. Wilson, a deferral to the March 15, 2005, meeting was acceptable.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 05SN0146 to the March 15, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

04SN0207: In Matoaca Magisterial District, **DART II LLC** requested deferral to March 15, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 302.6 acres fronting approximately 1,400 feet on the east line of Otterdale Road approximately 680 feet north of Woolridge Road, also fronting in two (2) places for approximately 2,250 feet on the north line of Woolridge Road approximately 1,400 feet east of Otterdale Road. Tax IDs 708-675-1560; 708-677-8911; 709-675-6985; 709-676-0702, 5333, 6590 and 9324; 709-677-2520, 3264 and 3406; 709-678-5743; 710-676-0704 and 1579; 710-677-3873; 710-678-Part of 7575; 711-677-9367; 711-678-4858; 711-679-6522; and 712-679-2887 (Sheet 15).

Mr. Andy Scherzer, the applicant's representative, requested deferral to the March 15, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0207 to the March 15, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

04SN0303: In Matoaca Magisterial District, **FAIRWEATHER INVESTMENTS, LLC AND HIGHLANDS WEST, LLC** requested deferral to June 21, 2005, of consideration for Conditional Use and amendment of zoning district map to permit a private waste treatment facility on 30 acres of a 1,430 acre parcel. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in an Agricultural (A) District on 30 acres fronting approximately 11,600 feet on the east line of Nash Road across from Reedy Branch Road, also fronting in three (3) places for approximately 7,050 feet on the west line of Cattail Road across from Reedy Branch and Rowlett Roads. Tax ID 759-636-Part of 6377 (Sheets 33 and 40).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the June 21, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0303 to the June 21, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0129: In Bermuda Magisterial District, **STEPHEN MARCUS** requested deferral to February 15, 2005, of consideration for rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial use. This request lies on 2.3 acres fronting approximately thirty-five (35) feet on the south line of Dundas Road approximately 425 feet west of Jefferson Davis Highway. Tax ID 790-683-Part of 5379 (Sheet 12).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the February 15, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 05SN0129 to the February 15, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

05SN0142: In Midlothian Magisterial District, **JIMMIE A. NORWOOD AND CHARLES G. LEWIS** requested rezoning and amendment of zoning district map from Neighborhood Business (C-2) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 0.5 acre and is known as 130 Buford Road. Tax ID 759-706-5587 (Sheet 7).

Mr. Jimmie Norwood, one of the applicants, stated deferral of the request by Mr. Gecker to the February 15, 2005, Planning Commission public hearing was acceptable.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 05SN0142 to the February 15, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

04SN0312: In Matoaca Magisterial District, **GRIND-ALL LLC** requested Conditional Use and amendment of zoning district map to permit material recycling operations plus amendments to Conditional Use (Cases 88S005 and 89SN0140) relative to time limitations and grantee restrictions. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 55.0 acres fronting approximately forty (40) feet on the south line of Hull Street Road, approximately 2,800 feet west of Skinquarter Road. Tax IDs 689-666-Part of 6773 and 690-666-Part of 5881 (Sheets 14 and 22).

Mr. William Shewmake, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of a Conditional Use to permit material recycling operations for Case 04SN0312 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Uses permitted under Case No. 04SN0312 shall be limited to the following:
 - a. Grinding, mulching and processing of vegetative waste to include grass, leaves, waste and land clearing debris such as stumps and brush.

- b. Soil processing.
 - c. Composting.
 - d. Material recycling facility, to include the grinding, mulching, recycling, reprocessing, and management of such materials as wood, pallets, sheet rock, waste paper, inert materials such as bricks, concrete and asphalt as well as construction and demolition material. Provided, however, the term construction and demolition materials do not include paints, coatings, solvents, asbestos, liquid compressed gasses and garbage.
 - e. Solid waste transfer station to enable trucks to consolidate the loads from smaller quantity generators to larger trailers.
 - f. Wholesales of ground, mulched, processed and/or recycled materials. (P)
2. Retail sales shall be prohibited. (P)
 3. A 100 foot buffer shall be provided around the perimeter of the operation. Within the buffer, existing vegetation and/or topography shall be supplemented as necessary to provide year-round screening. Other than utilities and access which run generally perpendicular through the buffer, and a fence, there shall be no other facilities located within this buffer. Landscaping, including existing vegetation, within the buffer shall have an initial height, density and be of a species which will provide year-round screening when installed. The limits of buffers shall be defined to preclude dumping and grading within the buffer. Also, there shall be no filling or grading permitted in the buffer except that necessary to accommodate utilities, access and/or landscaping. A detailed plan depicting these requirements shall be submitted to the Planning Department in conjunction with site plan review. (P)
 4. The area of permitted activity and buffer area shall be clearly defined by a permanent means. The method of delineation shall be approved by the Planning Department. (P)
 5. The operations boundary shall be secured by permanent means (i.e., fencing, etc.) to preclude vehicles from entering the property at any point other than the single entrance road. The exact means of securing the boundary shall be approved by the Planning Department at the time of site plan approval. (P)
 6. Direct access from the property to Route 360 shall be limited to one entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)
 7. The entrance road shall be hard surfaced for a length of 250 feet from Route 360. Further, the entrance road shall be designed to preclude the view of activity from Hull Street Road and secured to prohibit indiscriminate dumping of materials. The landfill owner/operator shall be responsible for the removal of any materials dumped along either the access road

or along Hull Street Road adjacent to the subject property. Further, the owner/operator shall be responsible for removing dirt and debris from Hull Street Road resulting from the operation. A procedure for controlling dust shall be submitted to the Environmental Engineering Department for approval and shall be implemented in conjunction with activity. Measures to correct dust control problems shall be taken within twenty-four (24) hours of notification by the County. (P&EE)

8. Prior to the issuance of a building permit, 100 feet of right-of-way, measured from the centerline of Hull Street Road along the entire property frontage, shall be dedicated to and for the County of Chesterfield, free and unrestricted. (T)
9. Prior to any site plan approval, a ninety (90) foot wide right-of-way for an east/west major arterial shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield county. The exact location of this right-of-way shall be determined by the Transportation Department, but shall generally be located as set forth in Exhibit A. (T)
10. Prior to any filling, grinding, mulching or processing of vegetative waste, soil processing, composting, material recycling, operation of a transfer station, or sales of ground, mulched, processed and/or recycled materials, additional pavement shall be constructed along Route 360 to provide left and right turn lanes at the site access. (T)
11. Stormwater Runoff. Stormwater runoff from decomposable materials generated by yard and lawn care or land clearing activities, including, but not limited to, leaves, grass trimmings, woody wastes such as shrub and tree prunings, bark, limbs, roots and stumps, shall not be permitted to drain or discharge directly into the storm sewer system and/or directly to surface water. Areas used for the storage and recycling of materials shall be graded to minimize and to collect runoff. Collected runoff shall be conveyed to a wastewater treatment disposal or holding facility. Such disposal or holding facility includes, without limitation, recirculation. A stormwater pollution prevention plan that is applicable to the project site shall be developed by the applicant and submitted to the Office of Water Quality for review and approval in conjunction with site plan review. (EE)
12. Cleared Area. There shall be a minimum seventy-five (75) foot cleared area between the buffer identified in Proffered Condition 3 and the perimeter of the mulch, compost or other piles of recyclable material. (F)
13. Pond. The site plan shall incorporate the following improvements for County review and approval:
 - a. A pond with a minimum size of .5 acres and a minimum average water depth of five (5) feet, excluding any required safety benches, and a dry fire hydrant to access the water in case of fire.
 - b. A driveway sufficient to provide emergency vehicle access to the pond and dry fire hydrant.
 - c. In conjunction with site plan review, a phasing plan for the construction of the improvements noted in proffers 13a and 13b shall be submitted for the Fire Department's review and approval. (F)

14. East/West Arterial Access. Prior to any site plan approval, an access plan for the East/West Arterial shall be submitted to and approved by the Transportation Department. Access to the property from the East/West Arterial shall conform to the approved access plan. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of amendments to Conditional Use (Cases 88S005 and 89SN0140) relative to time limitations and grantee restrictions for the operation of a construction, demolition and debris landfill for Case 04SN0312, subject to the following condition:

CONDITION

With approval of this request, Condition 12 of Case 88S005 and the Condition of Case 89SN0140 shall be deleted.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

04SN0306: In Dale Magisterial District, **MIDLOTHIAN ENTERPRISES, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) with Conditional Use Planned Development to permit exceptions to setback requirements. Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 61.4 acres lying approximately 960 feet southeast of the terminus of Waterfowl Flyway, also lying approximately 860 feet off the north line of Nash Road approximately 475 feet east of Eastfair Drive. Tax ID 762-655-7397 (Sheet 25).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 04SN0306, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

Setbacks for principal buildings and accessory structures shall comply with the requirements of the Residential (R-40) District provided that such lots are accessed through the Woodland Pond Subdivision. (P)

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the properties known as Chesterfield County Tax IDs 762-655-7397-00000 (the "Property") under consideration will be developed according to the following conditions if,

and only if, the rezoning requests for R-88 with R-40 Setbacks as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - a. \$11,500 per dwelling unit, if paid prior to July 1, 2005; or
 - b. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - c. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

05SN0139: In Bermuda Magisterial District, **THOMAS MOODY AND GEORGE COOK** requested rezoning and amendment of zoning district map from Agricultural (A) and Neighborhood Business (C-2) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-2.5 units per acre. This request lies on 2.0 acres fronting approximately 280 feet on the west line of Branders Bridge Road across from West Hundred Road. Tax IDs 782-651-2546 and 3034 (Sheet 26).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use did not conform to the Central Area Plan and the proposed land use was incompatible with existing and future area development.

Mr. Moody, one of the applicants, came forward.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson stated he believed, with the inclusion of Proffered Condition 6, a recommendation for approval of the request was appropriate.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0139, subject to the following conditions:

PROFFERED CONDITIONS

1. Uses permitted shall be limited to uses permitted in the Neighborhood Office (O-1) District and the following additional use:

Furniture sales with associated warehouse (P)
2. Prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way, exclusive of the existing structure, measured from a revised centerline of Branders Bridge Road shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
3. Direct access from the property to Branders Bridge Road shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)
4. Additional pavement shall be constructed along Branders Bridge Road at the site access to provide left and right turn lanes, if warranted, based on Transportation Department standards. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County any additional right-of-way (or easement) required for these road improvements. (T)
5. Except that loading docks and drive-in loading doors shall be permitted, development of the property shall meet Neighborhood Office (O-1) District standards. (P)
6. The developer shall install Perimeter Landscaping C within the required setback along the southern property boundary adjacent to Tax ID 782-650-2788. A minimum of fifty (50) percent of the required small deciduous trees shall be evergreen trees. (P)
7. The public wastewater system shall be used. (U)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0145: In Bermuda Magisterial District, **CHRISTIAN LIFE WORSHIP CENTER** requests Conditional Use and amendment of zoning district map to permit a church in a Heavy Industrial (I-3) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for industrial use. This request lies on 6.5 acres and is known as 11924 and 11930 Old Stage Road and 1800 and 1810 Osborne Road. Tax IDs 802-659-2721, 3919, 4660 and 5824 (Sheet 27).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the land use did not conform to the Consolidated Eastern Area Plan and was inconsistent with existing area development trends.

In response to concerns expressed by Mr. Gulley, Ms. Peterson stated church uses were permitted by right in all zoning districts except industrial districts.

Pastor Dennis Lacheney, the applicant's representative, did not accept staff's recommendation, noting the subject property was a good location for their church, was affordable and would be temporary.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson stated he shared Mr. Gulley's concerns but felt that, since the use was intended to be temporary, a recommendation for approval with conditions he wished to impose would be appropriate.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0145, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted for a period of time not to exceed three (3) years from date of approval. (P)
2. Church use shall be limited to the building located on Tax ID 802-659-5824 and identified on the plan attached to the "Request Analysis". Associated parking may be located on this or other properties which are included as part of this request. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SR0151: In Matoaca Magisterial District, **LUDSON W. HUDGINS** requests renewal of Conditional Use (Case 94SN0212) and amendment of zoning district map to permit a self-storage warehouse facility in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 5.0 acres and is known as 8801 Baldwin Creek Road. Tax ID 707-662-Part of 7295 (Sheet 23).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting continued operation of the warehouse facility would not be appropriate given area residential development and would be inconsistent with the uses suggested by the Upper Swift Creek Plan.

Mr. Ludson Hudgins, the applicant, did not accept staff's recommendation, noting he had had a use permit for twenty-five (25) years to operate on the property and asked the Commission to consider approval of his request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SR0151 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The following conditions notwithstanding, the plan submitted with the application shall be considered the Master Plan. (P)
2. This Conditional Use shall be limited to the operation of a warehouse (self-storage) facility, exclusively. (P)
3. All activity associated with this use shall be confined to the interior of the existing structures. Outside storage of vehicles or other items shall be prohibited. (P)
4. Other than normal maintenance or cosmetic improvements, no additions or exterior alterations shall be permitted to accommodate this use. (P)
5. Hours of operation shall be limited to between 9:00 a.m. and 9:00 p.m., Monday through Saturday. (P)
6. There shall be no tractor trailer deliveries permitted. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0163: In Dale Magisterial District, **GEORGE MICHAEL ROWLAND** requested Conditional Use and amendment of zoning district map to permit a residential stock farm (keeping of fowl) in a Residential (R-12) District. The density of such amendment is controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.00 to 2.5 units per acre. This request lies on 0.3 acre and is known as 4430 Boones Bluff Way. Tax ID 757-684-7598 (Sheet 11).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed land use did not conform to the Central Area Plan and was incompatible with existing residential development.

Mr. George Rowland, the applicant, did not accept staff's recommendation, noting he purchased the animals (chickens and/or guineas) in 1999 to control pests and insects and that there had been no complaints until a neighbor's dog began killing his chickens. He stated he had submitted a petition supporting the retention of his animals and had recently obtained another petition of support; displayed photographs of improvements to his property; indicated he maintained his property in a clean and orderly manner to accommodate the animals; and asked approval of his request.

Mr. Litton opened the discussion for public comment.

Mr. Kevin Erickson, an adjacent property owner, voiced support for the request, citing advantages to having the animals in the neighborhood as they provided protection for neighborhood children from snakes and that the area children found the birds and fowl interesting and enjoyable.

There being no one else to speak, Mr. Litton closed the public comment.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0163 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. All areas associated with the keeping of fowl (coops, yards, etc.) shall be cleaned and made free of waste on a regular basis. In addition, the property owner shall employ a means of eliminating any odor problems and propagation of insects. (P)
2. Any stock farm use shall be limited to the keeping of a total of twenty (20) chickens and/or guineas. (P)
3. This Conditional Use shall be granted to and for George Michael Rowland exclusively, and shall not be transferable nor run with the land. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

04SN0232: In Matoaca Magisterial District, **DOUGLAS SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 242.3 acres fronting approximately 4,000 feet on the west line of Otterdale Road, approximately 1,500 feet south of Old Hundred Road. Tax ID 714-694-7687 (Sheet 9).

Ms. Peterson presented an overview of the request and staff's recommendation for approval of the request for rezoning from Agricultural (A) to Residential (R-12) of 242.3 acres with Conditional Use Planned Development to permit exceptions to Ordinance requirements and denial of the request for a waiver to the Residential Subdivision Connectivity Policy to eliminate a potential road connection to an adjacent subdivision development.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation relative to the rezoning from Agricultural (A) to Residential (R-12) but did not accept staff's recommendation relative to denial of the request for a waiver to the Residential Subdivision Connectivity Policy to eliminate a potential road connection to an adjacent subdivision development.

Mr. Litton opened the discussion for public comment.

Messrs. Don Powell, Larry Kidd, Tom Lewis, William Bullock, Brian Norge, Ben Heath, Jeff Williams, and Chris Helbig; residents of North Hundred Subdivision, voiced support for the request, as presented, indicating that the development would extend public water to an area which had experienced problems with wells and further, that a road connection to their subdivision would result in cut-through traffic.

Mr. Ted Lush, a resident of Lacy Farm Road and Ms. Marlene Durfee, representative for the Task Force for Responsible Growth, voiced opposition to the request and asked the Commission to recommend denial based on health, safety and welfare concerns and a broader concern for the impact to residents outside the community that would be affected by the development relative to water quality, transportation improvements and overcrowded schools.

There being no one else to speak, Mr. Litton closed the public comment.

In response to questions from the Commissioners, staff addressed concerns and answered questions relative to area public water facilities and a water assessment district; existing and future area transportation improvements and funding; and existing and future school capacities.

Mr. Bass stated he had been involved in discussions regarding this request for some time and had attended many community meetings to discuss and attempt to resolve concerns relative to the public water issue. He expressed concerns relative to the impact the project would have on existing communities, particularly area schools, all of which would be affected; the lack of improvements to area secondary roads; the increase in residential growth in the Upper Swift Creek area in 2004; and the impact residential growth on all capital facilities. He stated, until such time as a mechanism was in place to provide adequate area road improvements, he felt the request was premature and he could not recommend approval.

Mr. Wilson stated, in reviewing zoning requests, his primary concern was whether or not the request complied with the area plan and if area residents concerns had been addressed and if so, he generally supported the request. He stated the applicant appeared to have addressed all the concerns and had done all the County had requested, including the cash proffers, and he felt the request was worthy of support.

Mr. Gulley stated he understood the concerns expressed by area residents relative to the water issue in North Hundred Subdivision; however, that issue was not within the purview of the Commission. He expressed concerns relative to density, noting that without an amended Upper Swift Creek Plan, he was not certain approval would be appropriate at this time; addressed concerns regarding outstanding issues relative to regional best management practices in the Upper Swift Creek Reservoir area; and circumvention of the Residential Connectivity Policy due to political pressures from residents to remove and/or reroute roads they did not want connected to their neighborhoods.

Mr. Litton stated he agreed with and supported Mr. Wilson's comments, noting he felt a recommendation for approval was appropriate.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of the request for rezoning from Agricultural (A) to Residential (R-12) of 242.3 acres with Conditional Use Planned Development to permit exceptions to Ordinance requirements for Case 04SN0232.

AYES: Messrs. Gulley, Bass and Gecker.
NAYS: Messrs. Litton and Wilson.

Mr. Bass made a motion which was seconded by Mr. Gulley to recommend approval of a waiver to the Residential Subdivision Connectivity Policy to eliminate a potential road connection to an adjacent subdivision development for Case 04SN0232.

AYES: Messrs. Gulley and Bass.
NAYS: Messrs. Litton, Wilson and Gecker.

The recommendation for approval of the waiver to the Residential Subdivision Connectivity Policy to eliminate a potential road connection to an adjacent subdivision development for Case 04SN0232 failed and there was no further action taken.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the meeting adjourned at approximately 8:36 p. m. to February 15, 2005, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date